IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No.4410 of 2007

Date of Decision: September 20, 2007

Ramesh Kumar .....Petitioner

Versus

Smt.Meena Devi .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.RN Lohan, Advocate for the petitioner.

S. D. ANAND, J.

In the matrimonial litigation pending before the learned Trial Court, ex parte proceedings were ordered against the respondent-wife vide order dated 26.2.2007. The respondent – wife preferred a plea for the setting aside of the ex parte proceedings on an allegation that she could not reach the Court in time and that her absence from the Court was unintentional. That plea found favour with the learned Trial Court which held that the petitioner-husband could very well be compensated by costs. The plea of the wife for setting aside of the ex parte order was accepted, vide order dated 4.8.2007, subject to payment of Rs.500/- as costs, which was payable by the respondent-wife to the petitioner-husband.

The petitioner has challenged the order dated 4.8.2007.

In a matrimonial litigation, the Court grants a judgment in rem. It would be in the interest of the society that a matrimonial litigation is, even otherwise, disposed of after a contest. By the very nature of things, a

matrimonial litigation stands on an entirely different pedestal inasmuch as it involves the emotional factor between the parties as well. In that view of things, the petitioner-husband cannot be validly allowed to raise a grievance that the impugned order allowing the respondent-wife to contest the petition for divorce filed by him is faulty.

Dismissed in limine.

(S. D. ANAND)
JUDGE

September 20, 2007
SRM

Note: Whether referred to reporter or not? Yes/No